FE Sent For:

## 2001 Jr2 DRAFTING REQUEST

### Assembly Amendment (AA-ASA1-AB1)

					•		
Received: 03/14/2002					Received By: rma	archan	
Wanted:	Today				Identical to LRB:		
For: Gre	gory Huber (	(608) 266-0654			By/Representing:	mark	
This file	may be shown	to any legislate	or: NO		Drafter: mdsida		
May Con	tact:				Addl. Drafters:	rmarchan	
Subject:		al Law - crime al Law - sexua		; 5	Extra Copies:		
Submit v	ia email: NO						
Pre Topi	ic:						
No specif	ic pre topic gi	ven					
Topic:							
Using a c	omputer to fac	cilitate having s	exual relation	ons with a pe	rson believed to be	a child	
Instructi	ons:						
Same as A	AB-719, plus A	AA1.					
Drafting	History:						
Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed Required	
/?	mdsida 03/14/2002	csicilia 03/14/2002					
/1			pgreensl 03/14/200	)2	lrb_docadmin 03/14/2002	lrb_docadmin 03/14/2002	

<**END**>

### 2001 Jr2 DRAFTING REQUEST

#### **Assembly Amendment (AA-ASA1-AB1)**

Received: 03/14/2002

Received By: rmarchan

Wanted: Today

Identical to LRB:

For: Gregory Huber (608) 266-0654

By/Representing: mark

This file may be shown to any legislator: NO

Drafter: mdsida

May Contact:

Addl. Drafters:

rmarchan

Subject:

Criminal Law - crimes agnst kids

Criminal Law - sexual assault

Extra Copies:

Submit via email: NO

Pre Topic:

No specific pre topic given

Topic:

Using a computer to facilitate having sexual relations with a person believed to be a child

**Instructions:** 

Same as AB-719, plus AA1.

**Drafting History:** 

Vers.

<u>Drafted</u> <u>Reviewed</u>

**Typed** 

Proofed

Submitted

**Jacketed** 

Required

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mdsida

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3/14

FE Sent For:

<END>

# ASSEMBLY AMENDMENT 1, TO 2001 ASSEMBLY BILL 719

February 20, 2002 - Offered by Committee on Criminal Justice.

- 1 At the locations indicated, amend the bill as follows:
- 2 **1.** Page 5, line 5: delete "Class C" and substitute "Class BC".

(END)

3

### 2001

Date (time) needed



LRB b 2613 /

**BUDGET AMENDMENT** 

MCD/RJM.CS

#### NOT FOR COMPILE

See form AMENDMENTS — COMPON

#### January 2002 SPECIAL SESSION AMENDMENT TO ASSEMBLY SUBSTITUTE AMENDMENT 1 TO 2001 ASSEMBLY BILL

At the locations indicated, amend the substitute amendment as follows:

#. Page 48., line . 5.: after lac:

#. Page 17.3, line ! 4 .: afterline:

#. Page 188, line . 7.: often 12!

INSCRIC J

#. Page 188, line . 4.: africa:

INSCRIC J

#. Page ???!, line .!.. after he!

#. Page ???!, line .!.. after the!

(INSERT F) 1

91	1	^	4
20	)(	۱)	1

Date (time)	
$\mathbf{needed}$	

$_{ m LRB}$	b	/	

#### **BUDGET AMENDMENT**

#### NOT FOR COMPILE

See form AMENDMENTS — COMPONENTS & ITEMS.

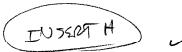
#### January 2002 SPECIAL SESSION AMENDMENT TO ASSEMBLY SUBSTITUTE AMENDMENT 1 TO 2001 ASSEMBLY BILL

At the locations indicated, amend the substitute amendment as follows:



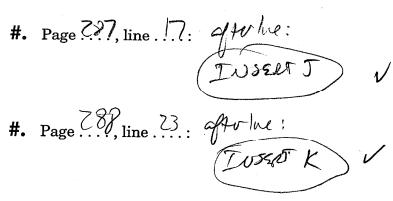


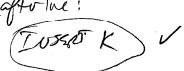
#. Page 2.35, line 7.5: aftolive:



#. Page 284, line 14: after 14:







#. Page 327, line . 10: who he:
TUSSPAL

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•,	N	()	1
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_	•		_

Date (time)	
needed	

LRB	h	/
	V	/

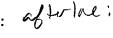
#### NOT FOR COMPILE

See form AMENDMENTS — COMPONENTS & ITEMS

#### January 2002 SPECIAL SESSION AMENDMENT TO ASSEMBLY SUBSTITUTE AMENDMENT 1 TO 2001 ASSEMBLY BILL 1

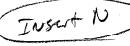
At the locations indicated, amend the substitute amendment as follows:

#. Page 332, line .... of while:

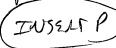


#. Page..., line 17: delete hes 17 to 23 arc substitute:





#. Page 339, line 13: aftrhe: INSELT P



#. Page 44.7, line ...: of to "948.07 (mtoo.)," msert "948.075(1),".

#. Page 45.1, line. 7.: after " 2m. b." meet " (by SECTION 566 for this act)".

#. Page 453, line . 5.: after "948,07 (intro.)," nsert "948.075(1),".

2001	Date (time) needed	LRB b/
BUDGET AMEN	DMENT	
.1	OT FOR COMPILE	:::

See form AMENDMENTS — COMPONENTS & ITEMS.

### January 2002 SPECIAL SESSION AMENDMENT TO ASSEMBLY SUBSTITUTE AMENDMENT 1 TO 2001 ASSEMBLY BILL 1

At	the locations indicated, amend the substitute amendment as follows:
#.	Page 454, line 13: after "(b) 2." moset "(by SECTION 1/34g of this act)
#.	Page , line :
<b>#.</b>	Page, line:

the age of 16 years. The person's belief that the individual is under 16 (as opposed to the individual's actual age) is an element of the offense. This prohibition does not apply if the person sending the communication reasonably believed that the age of the individual to whom the communication was sent was no more than 24 months less than the sender's own age.

A person who commits this offense may be imprisoned for up to 15 years, fined up to \$10,000, or both. If the person has been previously convicted of two serious felonies (as defined in the "three strikes" law), the person is subject to a sentence of life imprisonment without the possibility of parole or extended supervision.

In addition, the bill requires that persons convicted of this offense register with the sex offender registry. The bill also prohibits certain persons convicted of the offense from engaging in an occupation or participating in a volunteer position that requires the person to work or interact primarily and directly with children under 16!

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

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SECTION **().** 51.20 (13) (ct) 2m. of the statutes is amended to read:

51.20 (13) (ct) 2m. If the subject individual is before the court on a petition filed under a court order under s. 938.30 (5) (c) 1. and is found to have committed a violation, or to have solicited, conspired, or attempted to commit a violation, of s. 940.22 (2), 940.225 (1), (2), or (3), 944.06, 948.02 (1) or (2), 948.025, 948.05, 948.055, 948.06, 948.07, 948.075, 948.08, 948.095, 948.11 (2) (a) or (am), 948.12, 948.13, or 948.30, or of s. 940.30 or 940.31 if the victim was a minor and the subject individual was not the victim's parent, the court shall require the individual to comply with the reporting requirements under s. 301.45 unless the court determines, after a hearing on a motion made by the individual, that the individual is not required to comply under s. 301.45 (1m).

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(Section 3. 165.70 (1) (b) of the statutes is amended to read:

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165.70 (1) (b) Enforce chs. 945 and 961 and ss. 940.20 (3), 940.201, 941.25 to 941.27, 943.01 (2) (c), 943.011, 943.27, 943.28, 943.30, 944.30, 944.31, 944.32, 944.33, 944.34, 946.65, 947.02 (3) and (4), 948.075, and 948.08.

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SECTION 3. 301.45 (1d) (b) of the statutes is amended to read:

301.45 (1d) (b) "Sex offense" means a violation, or the solicitation, conspiracy. or attempt to commit a violation, of s. 940.22 (2), 940.225 (1), (2) or (3), 944.06, 948.02 (1) or (2), 948.025, 948.05, 948.055, 948.06, 948.07, <u>948.075</u>, 948.08, 948.095, 948.11 (2) (a) or (am), 948.12, 948.13, or 948.30, or of s. 940.30 or 940.31 if the victim was a minor and the person who committed the violation was not the victim's parent.

(Section 3. 302.045 (2) (c) of the statutes is amended to read:

302.045 (2) (c) The inmate is incarcerated regarding a violation other than a crime specified in ch. 940 or s. 948.02, 948.025, 948.03, 948.05, 948.055, 948.06, 948.07, <u>948.075</u>, 948.08, or 948.095. Leve ins>

SECTION 5. 938.34 (15m) (bm) of the statutes is amended to read;

 $\sqrt{938.34}$  (15m) (bm) If the juvenile is adjudicated delinquent on the basis of a violation, or the solicitation, conspiracy, or attempt to commit a violation, of s. 940.22 (2), 940.225 (1), (2), or (3), 944.06, 948.02 (1) or (2), 948.025, 948.05, 948.055, 948.06, 948.07, 948.075. 948.08, 948.095, 948.11 (2) (a) or (am), 948.12, 948.13. or 948.30, or of s. 940.30 or 940.31 if the victim was a minor and the juvenile was not the victim's parent, the court shall require the juvenile to comply with the reporting requirements under s. 301.45 unless the court determines, after a hearing on a motion made by the juvenile, that the juvenile is not required to comply under s. 301.45 (1m).

**(Section ).** 939.615 (1) (b) 1. of the statutes is amended to read:

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939.615 (1) (b) 1. A violation, or the solicitation, conspiracy, or attempt to commit a violation, of s. 940.22 (2), 940.225 (1), (2), or (3), 948.02 (1) or (2), 948.025 (1), 948.05 (1) or (1m), 948.055 (1), 948.06, 948.07, 948.075, 948.08, 948.11 (2) (a),

948.12, or 948.13.

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SECTION 3. 939.62 (2m) (a) 2m. b. of the statutes is amended to read:

939.62 (2m) (a) 2m. b. Any felony under s. 940.01, 940.02, 940.03, 940.05, 940.09 (1), 940.16, 940.19 (5), 940.195 (5), 940.21, 940.225 (1) or (2), 940.305, 940.31, 941.327 (2) (b) 4., 943.02, 943.10 (2), 943.23 (1g), (1m), or (1r), 943.32 (2), 946.43 (1m), 948.02 (1) or (2), 948.025, 948.03 (2) (a) or (c), 948.05, 948.06, 948.07, 948.075, 948.08, 948.30 (2), 948.35 (1) (b) or (c), or 948.36.

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(Section 8, 939.74 (2) (c) of the statutes, as affected by 2001 Wisconsin Act 16, is amended to read:

939.74 (2) (c) A prosecution for violation of s. 948.02, 948.025, 948.03 (2) (a), 948.05, 948.06, 948.07 (1), (2), (3), or (4), 948.075, 948.08, or 948.095 shall be commenced before the victim reaches the age of 31 years or be barred, except as provided in sub. (2d) (c).

(Section 9. 948.025 (3) of the statutes is amended to read:

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948.025 (3) The state may not charge in the same action a defendant with a violation of this section and with a felony violation involving the same child under ch. 944 or a violation involving the same child under s. 948.02, 948.05, 948.06, 948.07, 948.075, 948.08, 948.10, 948.11, or 948.12, unless the other violation occurred outside of the time period applicable under sub. (1). This subsection does not prohibit a conviction for an included crime under s. 939.66 when the defendant is charged with a violation of this section.

SECTION 19. 948.075 of the statutes is created to read:

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948.075 Use of a computer to facilitate a child sex crime. (1) Whoever uses a computerized communication system to communicate with an individual who the actor believes or has reason to believe has not attained the age of 16 years with intent have sexual contact or sexual intercourse with the individual in violation of s. 948.02 (1) or (2) is guilty of a Class offelony.

- (2) This section does not apply if, at the time of the communication, the actor reasonably believed that the age of the person to whom the communication was sent was no more than 24 months less than the age of the actor.
- (3)Proof that the actor did an act, other than use a computerized communication system to communicate with the individual, to effect the actor's intent under sub. (1) shall be necessary to prove that intent.

Section 1. 948.13 (1) (a) of the statutes is amended to read:

9101 948.13 (1) (a) A crime under s. 940.22 (2) or 940.225 (2) (c) or (cm), if the victim is under 18 years of age at the time of the offense, or a crime under s. 948.02 (1), 948.025 (1), 948.05 (1) or (1m), 948.06 or, 948.07 (1), (2), (3), or (4), or 948.075.

(Section 12. 971.17 (1m) (b) 2m. of the statutes is amended to read:

971.17 (1m) (b) 2m. If the defendant under sub. (1) is found not guilty by reason of mental disease or defect for a violation, or for the solicitation, conspiracy, or attempt to commit a violation, of s. 940.22 (2), 940.225 (1), (2), or (3), 944.06, 948.02 (1) or (2), 948.025, 948.05, 948.055, 948.06, 948.07, <u>948.075</u>, 948.08, 948.095, 948.11 (2) (a) or (am), 948.12, 948.13, or 948.30, or of s. 940.30 or 940.31 if the victim was a minor and the defendant was not the victim's parent, the court shall require the defendant to comply with the reporting requirements under s. 301.45 unless the court determines, after a hearing on a motion made by the defendant, that the Lad ms> defendant is not required to comply under s. 301.45 (1m).

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ASSEMBLY BILL 719

SECTION 12. 973.01 (3m) of the statutes is amended to read:

973.01 (3m) CHALLENGE INCARCERATION PROGRAM ELIGIBILITY. When imposing a bifurcated sentence under this section on a person convicted of a crime other than a crime specified in ch. 940 or s. 948.02, 948.025, 948.03, 948.05, 948.055, 948.06, 948.07, 948.075, 948.08, or 948.095, the court shall, as part of the exercise of its sentencing discretion, decide whether the person being sentenced is eligible or ineligible for the challenge incarceration program under s. 302.045 during the term 10 Lackus> of confinement in prison portion of the bifurcated sentence.

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SECTION **3.** 973.0135 (1) (b) 2, of the statutes is amended to read:

973.0135 **(1)** (b) 2. Any felony under s. 940.01, 940.02, 940.03, 940.05, 940.09 (1), 940.16, 940.19 (5), 940.195 (5), 940.21, 940.225 (1) or (2), 940.305, 940.31, 941.327 (2) (b) 4., 943.02, 943.10 (2), 943.23 (1g), (1m), or (1r), 943.32 (2), 946.43 (1m), 948.02 (1) or (2), 948.025, 948.03 (2) (a) or (c), 948.05, 948.06, 948.07, 948.075, 948.08,

948.30 (2), 948.35 (1) (b) or (c), or 948.36.

**SECTION** 5. 973.034 of the statutes is amended to read:

973.034 Sentencing; restriction on child sex offender working with children. Whenever a court imposes a sentence or places a defendant on probation regarding a conviction under s. 940.22 (2) or 940.225 (2) (c) or (cm), if the victim is under 18 years of age at the time of the offense, or a conviction under s. 948.02 (1), 948.025 (1), 948.05 (1) or (1m), 948.06 or, 948.07 (1), (2), (3), or (4), or 948.075, the court shall inform the defendant of the requirements and penalties under s. 948.13.

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SECTION 18. 973.048 (2m) of the statutes is amended to read:

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973.048 (2m) If a court imposes a sentence or places a person on probation for a violation, or for the solicitation, conspiracy or attempt to commit a violation, of s. 940.22 (2), 940.225 (1), (2), or (3), 944.06, 948.02 (1) or (2), 948.025, 948.05, 948.055,

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948.06, 948.07, 948.075, 948.08, 948.095, 948.11 (2) (a) or (am), 948.12, 948.13, or 948.30, or of s. 940.30 or 940.31 if the victim was a minor and the person was not the victim's parent, the court shall require the person to comply with the reporting requirements under s. 301.45 unless the court determines, after a hearing on a motion made by the person, that the person is not required to comply under s. 301.45 (1m).

(END)

2001 – 2002 Legislature  ASSEMBLY BILL 719  LRB-2191/1  MGD:rs&cjs:pg  SECTION 10	
Sec gotn. AM; 948.075), as created by 2001 Wiscosm Act (this act):	
948.075 Use of a computer to facilitate a child sex crime (1) Whoever	
uses a computerized communication system to communicate with an individual who	
the actor believes or has reason to believe has not attained the age of 16 years with	
intent have sexual contact or sexual intercourse with the individual in violation of	
s. 948.02 (1) or (2) is guilty of a Class of felony. Class BC Class D	
(2) This section does not apply-if, at-the-time of the communication, the actor?	`\
reasonably believed that the age of the person to whom the communication was sent	
was no more than 24 months less than the age of the actor.	
(3) Proof that the actor did an act, other than use a computerized	
communication system to communicate with the individual, to effect the actor's	
intent under sub. (1) shall be necessary to prove that intent.	1
SECTION 11. 948.13 (1) (a) of the statutes is amended to read:	
948.13 (1) (a) A crime under s. 940.22 (2) or 940.225 (2) (c) or (cm), if the victim	
is under 18 years of age at the time of the offense, or a crime under s. 948.02 (1),	
948.025 (1), 948.05 (1) or (1m), 948.06 or, 948.07 (1), (2), (3), or (4), or 948.075.	
Section 12. 971.17 (1m) (b) 2m. of the statutes is amended to read:	
971.17 (1m) (b) 2m. If the defendant under sub. (1) is found not guilty by reason	and the second s
of mental disease or defect for a violation, or for the solicitation, conspiracy, or	The second second
attempt to commit a violation, of s. 940.22 (2), 940.225 (1), (2), or (3), 944.06, 948.02	
(1) or (2), 948.025, 948.05, 948.055, 948.06, 948.07, <u>948.075</u> , 948.08, 948.095, 948.11	
(2) (a) or (am), 948.12, 948.13, or 948.30, or of s. 940.30 or 940.31 if the victim was	
a minor and the defendant was not the victim's parent, the court shall require the	
defendant to comply with the reporting requirements under s. 301.45 unless the	

defendant is not required to comply under s. 301.45 (1m).

court determines, after a hearing on a motion made by the defendant, that the

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1	date of this subd. 2m. a [revisor inserts date], that is or was punishable by a
2	maximum prison term of 30 years or more.  , as affected by 2001 blessons Act  (this act),
3	SECTION 339.62 (2m) (a) 2m. b. of the statutes is amended to read:
4	939.62 (2m) (a) 2m. b. Any felony under s. 940.09 (1), 1999 stats., s. 943.23 (1m)
5	or (1r), 1999 stats., s. 948.35 (1) (b) or (c), 1999 stats., or s. 948.36, 1999 stats., or s.
6	940.01, 940.02, 940.03, 940.05, 940.09 (1) (1c), 940.16, 940.19 (5), 940.195 (5), 940.21,
7	940.225 (1) or (2), 940.305, 940.31, 941.327 (2) (b) 4., 943.02, 943.10 (2), 943.23 (1g),
8	(1m), or $(1r)$ , 943.32 (2), 946.43 (1m), 948.02 (1) or (2), 948.025, 948.03 (2) (a) or (c),
9	948.05, 948.06, 948.07, 948.08, or 948.30 (2), 948.35 (1) (b) or (c) or 948.36. 1 Lew Land
10	SECTION 567. 939.622 of the statutes is repealed.
11	SECTION 568. 939.623 (2) of the statutes is amended to read:
12	939.623 (2) If a person has one or more prior convictions for a serious sex crime
13	and subsequently commits a serious sex crime, the court shall impose a bifurcated
14	sentence the person to under s. 973.01. The term of confinement in prison portion
15	of a bifurcated sentence imposed under this subsection may not be less than 5 years'
16	imprisonment 3 years and 6 months, but otherwise the penalties for the crime apply,
17	subject to any applicable penalty enhancement. The court shall may not place the
18	defendant on probation.
19	SECTION 569. 939.624 (2) of the statutes is amended to read:
20	939.624 (2) If a person has one or more prior convictions for a serious violent
21	crime or a crime punishable by life imprisonment and subsequently commits a
22	serious violent crime, the court shall impose a bifurcated sentence the person to
23	under s. 973.01. The term of confinement in prison portion of a bifurcated sentence
24	imposed under this subsection may not be less than 5 years' imprisonment 3 years
25	and 6 months, but otherwise the penalties for the crime apply, subject to any

. •	3. For a Class D felony, the term of extended supervision may not exceed 10
2	years.
3	4. For a Class E, F, or G felony, the term of extended supervision may not exceed
4	5 years.
5	5. For a Class H felony, the term of extended supervision may not exceed 3
6	years.
7	6. For a Class I felony, the term of extended supervision may not exceed 2 years.
8	SECTION 1132. 973.01 (4) of the statutes is amended to read:
9	973.01 (4) No good time; extension or reduction of term of imprisonment. A
10	person sentenced to a bifurcated sentence under sub. (1) shall serve the term of
11	confinement in prison portion of the sentence without reduction for good behavior.
12	The term of confinement in prison portion is subject to extension under s. 302.113 (3)
13	and, if applicable, to reduction under s. 302.045 (3m), or 302.113 (9g).
14	SECTION 1133. 973.01 (6) of the statutes is amended to read:
15	973.01 (6) No PAROLE. A person serving a bifurcated sentence imposed under
16	sub. (1) is not eligible for release on parole under that sentence (1345)  Wiscom Act (this aut
17	SECTION 1973.0135 (1) (b) 2. of the statutes is amended to read:
18	973.0135 (1) (b) 2. Any felony under <u>s. 940.09 (1), 1999 stats., s. 943.23 (1m)</u>
19	or (1r), 1999 stats., s. 948.35 (1) (b) or (c), 1999 stats., or s. 948.36, 1999 stats., s.
20	940.01, 940.02, 940.03, 940.05, 940.09 (1) (1c), 940.16, 940.19 (5), 940.195 (5), 940.21,
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22	(1m) or (1r), 943.32 (2), 946.43 (1m), 948.02 (1) or (2), 948.025, 948.03 (2) (a) or (c),
23	948.05, 948.06, 948.07, 948.08, or 948.30 (2), 948.35 (1) (b) or (c), or 948.36.
24	SECTION 1185. 973.017 of the statutes is created to read: